

# Santa Fe Weekly Gazette.

VOLUME II.

SANTA FE, NEW MEXICO, DECEMBER 25, 1852.

NUMBER 27.

## Santa Fe Weekly Gazette.

PUBLISHED EVERY SATURDAY, BY

WILLIAM DREW.

### TERMS.

WEEKLY—\$5 a year, payable invariably in advance; single copies 12 1/2 cents. Advertisements, \$1 50 per square of ten lines for the first insertion, and \$1 for every subsequent insertion.

### Notice.

ALL those having claims against the undersigned are requested to present them immediately for settlement. And those indebted to him and the late firm of Isadore Hochstetler, are notified to make payment immediately, or legal proceedings will be instituted for collection.

During the absence of the undersigned from the city, Levi Spiegelberg is his authorized agent to transact all his business.

S. J. SPIEGELBERG.

Santa Fe, Nov. 4, 1852.—4f

THE U. S. Mail from Santa Fe to the States leaves regularly on the first day of each month.

Passage during the summer months \$125 00  
winter months \$150 00

40 lbs of baggage allowed to each passenger.

WALDO, HALL & CO. Proprietors.

Santa Fe, Sept. 18, 1852.—4f

### Notice to travellers.

THE undersigned, Mail Contractor from San Antonio, Texas, to Santa Fe, N. Mexico, would respectfully inform the travelling public that he has placed upon the line the best kind of stock and good comfortable spring carriages for the accommodation of passengers.

The mail will leave Santa Fe on the first of each month, and arrive at San Antonio by the 11th.

Leave San Antonio on the 12th of every other month, and arrive at Santa Fe on the last day of the same month.

Leave Santa Fe on the first of every other month, and arrive at San Antonio by the 19th.

Leave San Antonio on the 20th of each month, and arrive at Santa Fe the last day of the same month.

This will be the arrangement for the present—but will in a short time be changed to a monthly mail.

Passengers will be taken through from Santa Fe to San Antonio for \$125, and from El Paso to San Antonio for \$100. From Santa Fe to El Paso for \$80.

Passengers will be allowed 40 pounds of baggage.

Greatest distances between watering places 10 miles. Mr. Skillman is an old hand and well acquainted with the route.

He will also have on the line a small train of light wagons.

HENRY SKILLMAN.

Santa Fe, Dec. 6, 1852.—4f

### UNITED STATES OF AMERICA.

Territory of New Mexico, United States District Court of Santa Fe, Court, Sept. term, 1852

CERANUS VERAIN

vs

Henry L. Dodge & Attachment.

Alexander W. Reynolds.

This day came the plaintiff by his attorney, and it appearing to the satisfaction of the court, that Alexander W. Reynolds, one of the defendants in this cause, is not a resident of this Territory, but resides beyond the limits thereof, so that the ordinary process of law cannot be executed upon him, it is therefore ordered, that the said Alexander W. Reynolds enter his appearance hereto, on or before the first day of the next term of this court, to be begun and held at the court room in the city of Santa Fe, on the third Monday of March next, and plead, answer or demur to plaintiff's petition, or judgment will be rendered against him. It is further ordered, that publication be made of this order according to law.

A true copy of the order made in the above cause, at the September term of said court, A.D. 1852.

R. H. THOMPSON, Clerk.

Santa Fe, Dec. 11, 1852.—25 4w

### UNITED STATES OF AMERICA.

Territory of New Mexico, United States District Court of Santa Fe, Court, Sep. term, 1852

HUGH M. BECKWITH,

vs

David Waldo, Jacob Hall, & Attachment.

William McCoy.

This day came the plaintiff by his attorney, and it appearing to the satisfaction of the court, that neither of the said defendants are residents of this Territory, but reside beyond the limits thereof, so that the ordinary process of law cannot be executed upon them, it is therefore ordered, that they make their appearance hereto, on or before the first day of the next term of this court, to be begun and held at the court room in the city of Santa Fe, on the third Monday of March next, and plead, answer or demur to plaintiff's petition, or judgment will be rendered against them. It is further ordered, that publication be made of this order according to law.

A true copy of the order made in the above cause at the September term of said court, A.D. 1852.

R. H. THOMPSON, Clerk.

Santa Fe, Dec. 11, 1852.—25 4w

### ADMINISTRATOR'S NOTICE.

NOTICE is hereby given, that the undersigned has been granted letters of administration on the estate of Hermana Golman, deceased, by the Probate Judge of the county of San Miguel, Territory of New Mexico, bearing date the day of August, 1852, and all persons having claims against said estate are notified to present them for allowance within one year from the date of said letters, or they may be precluded from said estate, and if not within three years, shall be for ever barred; and all persons indebted to the said estate are requested to come forward and make settlement.

HENRY CONNELLY,

Administrator.

Las Vegas, Oct. 2, 1852.—4f

## J. W. REED,

ATTORNEY AT LAW,

CITY OF SANTA FE, NEW MEXICO.

WILL practice in the Courts of Santa Fe, and adjoining counties; and will attend to criminal business in any part of the Territory.

Santa Fe, Sept. 25, 1852.—6mo

### NOTICE

IS hereby given that the firm heretofore known as the firm of Geck & Zoeller, of Dona Ana, N. M., has been dissolved by mutual consent. All demands against said firm, and all accounts due to it will be settled with John N. Zoeller. All demands are required to be forwarded with promptitude, and all accounts must be settled without delay.

GECK & ZOELLER.

Dona Ana, Nov. 19, 1852.

### Taxation—Duty of the Citizen.

In our articles upon 'Civil Government,' published some time since in the *Gazette*, we could only glance at the various topics connected with the subject, without entering upon a protracted discussion of any particular one. We wish this week to notice more in detail one of the subjects intimately connected with the prosperity of every well organized government—we mean *Taxation*.

The sitting of the Legislative Assembly, at the present time, affords us a convenient opportunity of giving expression to our views upon this subject, and we hope they may at least meet with a candid consideration. We take it for granted that the people of New Mexico, and especially the Representatives of the people, in the Territorial Assembly appreciate the privilege of having an organized government. We say we take this for granted, because a people who cannot or do not appreciate this privilege are the last who should possess it. In other words, the people who cannot perceive that a well regulated government is better than no government, are not prepared for any government, unless it be the arbitrary government of the sword and bayonet. But we should be very unwilling to make so humiliating an admission in behalf of our citizens, and must therefore take it for granted, (till convinced otherwise,) that they can and do appreciate the blessing of having a well organized, and well administered government.

But we cannot take it for granted that a man appreciates any certain thing which he needs and desires to possess, unless he is willing to pay the value of it for its possession. We think this proposition is so clear as to need no illustration. You say, honest reader, that a well organized and well administered civil government is a great good, a desirable good, a thing which you are anxious to possess. You wish to see your roads improved, your farms, and flocks, and dwellings protected from violence and depredation, your Territory dotted over with school-houses in which your children may be taught the arts and sciences of civilized life. You wish to see justice more faithfully administered, and secure prisons and work-houses in which the vicious and lawless may be shut up, and kept secure from plundering the honest part of community. You wish to see improvements carried on which shall conduce to the general prosperity of the whole people.

All these things, so essential to the prosperity—nay, to the very existence of a civil government,—you say you wish to see, and desire to possess. But do you know, honest sir, that these things cannot be possessed without paying for them; and that a price must be paid, we will not say adequate to their value, but at least adequate to their cost. We have not the charmed lyre of an Amphion that a city, or even jails and work-houses, may spring into existence at its touch, nor even Aladdin's magic lamp of the Arabian fable. Officers of Justice, and ministers of law, and school-teachers cannot live upon the wind or live upon faith and grow fat. Tell us, dear sir, how do you expect a civil government to be carried on without money? If you have the model of such a government, you should have it patented immediately, for there will be a great demand for it when it is known. Like the philosopher's stone, and the perpetual motion, such a form of government has never yet been discovered, and if you have been so fortunate, you will have the wide world as a market for your patent and no opposition.

But, dear sir, unless you or some other person should make such a stupendous discovery, we guess the world will have to wag on a little longer just as it has done ever since its creation, and those who desire to have a civil government must pay the cost of keeping it in operation in some way or another.

It is therefore the duty of the people to pay for the necessary support of the government under which they live, and from which they receive their protection. And, as we said in one of our articles upon Civil Government, so now we repeat, that the citizen who is not willing to contribute his just and equitable

proportion towards defraying the necessary expenses of the government, has no claim upon that government for protection, and should not receive it.—Such a man has no more business in a civilized community than a drone has in a hive of bees.

We take it for granted then, that no civil government can even exist, for any great length of time, much less be prosperous, without some system of taxation to meet its necessary expenses. We hold that this principle is recognized most clearly by God himself, who originated civil government, and who instituted, by his own divine authority, a system of taxation in the Jewish nation for the support of that government. It was recognized, too, by Jesus Christ, when he performed a miracle on one occasion to get money to pay the Roman tax, and on another occasion, when he was asked if it was lawful and right to pay tax to the Roman government, he said, 'Render unto Caesar (the Roman government) that which is Caesar's.' He recognized the right of the government to demand tax, and the duty of the people to pay it. If God, then, has recognized it as right, what man shall dare to call it wrong?

But the question here arises, upon what principle, or basis, should taxation be fixed? We answer, in general terms, that it should be fixed upon the basis of every thing else, viz that of equity and justice to every citizen. That is, in levying a contribution upon the citizens to meet the necessary expenses of the government, each one should be required to pay in proportion to the interests he has to be protected by, and the benefits he derives from, the existence of the government. Of course, then, the man who has a large amount of property, has greater interests at stake, greater need of protection, and derives more benefit from the government, than one who has a less amount, and so on down to the poorest and most destitute, who have comparatively no interests at stake, and derive but few benefits from the government. Necessary household furniture, we think, should not be a subject of taxation, neither should the tools of the mechanic, nor the implements of husbandry.

As to the amount of taxation, it should be as little as an economical administration of the government will admit, especially amongst a poor people. Even a light taxation is very apt to produce murmurings amongst the people, and when the burden is increased beyond what is necessary for the actual wants of the government, they have a right to complain.

Another question in connexion with this subject, worthy of some consideration, and which has not a little perplexed political economists, is, 'what mode of taxation is the best?' In other words, is a direct tax preferable to an indirect one? We may remark that each mode has its advantages and disadvantages. In the first place an indirect tax, such as, for example, a tariff laid upon imported goods, causes less murmuring and dissatisfaction amongst the people, simply because they do not see and feel how and when they are taxed, and the exact amount, as they do in a direct tax. But on the other hand, the people always pay more in reality, by this indirect mode than would have to be exacted from them by a direct tax.

There is a great mistake in the minds of many persons, especially in New Mexico, upon this subject. They suppose that if all the revenue of the government is collected from the merchants in the form of duties upon goods imported into the country, as heretofore, the people have no tax to pay. But a very little reflection ought to teach them that the merchants, who pay this tax, in order to make themselves safe, must make it up in a higher price put upon the goods they sell. Thus, for example, if a merchant on a certain lot of goods pays five hundred dollars' duty, when he comes to fix his selling price upon his goods, he sits down and calculates what each article originally cost in Philadelphia or New York, the expenses of his trip to and from the States, the cost of the transportation of his goods, the amount he ought to add on for risks, etc., and lastly the amount of duty he has had to pay for the introduction of each article into the market. When he has made out the cost of all these items, he marks his goods at a selling price that will cover all these expenses and besides yield a reasonable profit to his business. So that after all, it is not the merchant who

pays the five hundred dollars' duty, in the end, but the people who buy his goods.

Now, suppose there were one hundred merchants in the Territory, each of whom annually paid on his goods a duty of five hundred dollars, which he in truth collected from the people, in the form of a higher price upon his goods, then the people would pay an annual tax of fifty thousand dollars! in an indirect way, where if paid in a direct tax it would not probably have amounted to more than ten or twelve thousand. And such is precisely what the people of New Mexico have been doing for years past, and yet in their simplicity supposed they were paying no tax, simply because they did not see how or when they paid it. The fact is if the people do not wish to be swindled out of three or four times what is necessary for the support of government, they had usually a great deal better pay their tax in a direct form, and then they know just how much they pay, and what it is paid for.

There is one more fact which we wish to notice before concluding this article. It is a fact to which we cannot shut our eyes, that a considerable portion, at least, of the people of New Mexico are opposed to any system of direct taxation, for the support of the government.—How such persons expect a government to be carried on at all, is a question we are not competent to answer. Certain it is, however, that they have never rightly understood the object and end of a government, and much less their duty as citizens.

But what makes the case still more aggravated is, that many of these persons squander at the gaming table, in the grog-shop, at the fandango room, or upon a worthless strumpet, ten times as much in a year as would pay their proportion of taxes, and think it no hardship at all to do so. More than this: we know cases not a few, where individuals paid more to an exorbitant priest for the burial of one dead baby, than would have paid their tax for the support of government for several years. And we believe there is not a man in the Territory who owns any property that does not pay to his church every year in the form of tithes, ten times as much as would be required of him for the support of government. And yet civil government is just as much God's institution as the church is.

Let us be understood. We do not find fault with any man for giving what is necessary for the support of his church—on the other hand, we think he ought to do so. But while he is willing to do his duty, and more than his duty, in support of his church, he ought to be willing to do his duty also as a citizen of the government. In the language of Jesus we would say, 'Render unto Caesar the things that are Caesar's, and unto God the things that are God's.'

These views we submit to the candid consideration of our fellow citizens, and especially to the Honorable Assembly, hoping that the importance of the subject will commend it to their consideration, and that the magnitude of the interests involved in it, will lead them to the adoption of some wise and judicious remedy for the present evil.

Legislative Assembly.

HOUSE OF REPRESENTATIVES.

Monday, Dec. 20—10 A. M.

House met. Journal read and approved.

Message from the Council. Mr Pino of Santa Fe, from the Joint Committee on Rules, reported in favor of the adoption of the rules of last session—report was adopted.

The Joint Committee on the resolutions to the memory of Gov. Calhoun, reported in favor of adopting the original resolutions of the House; the report was adopted.

Mr Craddock introduced a bill for holding an annual Fair in the town of Dona Ana. On motion, ordered to second reading, and referred to committee on the Judiciary.

Mr Chavez of Valencia, introduced a bill relative to education. On motion of Mr Sena y Romero, the bill was laid on the table till to-morrow.

Second reading of bills and resolutions.—A bill relative to vagrants was read.

Sanitary amendments were offered by Mr Vigil, which were discussed at length by Messrs Tuley, Sena y Romero, and Chavez. Mr Sena y Romero made amendments, in relation to the occupation of Mr Jose L. Ortiz, the bill was laid on the table till to-morrow.

Mr Jose L. Ortiz of Santa Fe, by leave, introduced a bill respecting crimes and punishments; ordered to be translated. Adjourned to 1 o'clock P. M.

EVENING SESSION.

Roll being called and a quorum not being present, call of the House ordered. A quorum being obtained, the House proceeded with the second reading of bills.

Petition of certain citizens of Mora for a new county. Mr Tuley moved its reference to special committee; not agreed to. Mr F Pino moved reference to committee on Counties; agreed to.

An act regulating the jurisdiction of Judges of Probate. Mr Wheaton moved reference to committee of the whole House, and it was thus referred.

An act for the examination of witnesses in criminal cases conditionally. On motion of Mr Pino, referred to the committee on Judiciary.

Business on the Speaker's table.

Message from the Governor with communication of the Secretary of the Territory, in reply to resolution of the House in reference to the funds of the Territory in the Treasury of the U. S. States, amount expended, etc.

Report of Secretary of the Territory relative to the expense of printing Journal of last Session, with account of Thomas Russell for services; referred to a special committee of Messrs Tuley, Martinez de Taos, and Sena y Romero. Message of the Governor in reply to a resolution respecting the claim of Manuel Herrero, for salary as Prefect of San Miguel, with report of the Auditor relative to the same; laid on the table.

Message from the Governor notifying the House that he had approved the joint resolutions for revising the laws, and the regulation of the Assembly; laid on the table.

Report of Charles Blummer, Commissioner for carrying out an act for establishing a standard of Weights and Measures; laid on the table.

From the Council: no business.

Message that the Council had rejected report of Joint committee on resolutions relative to the late Governor Calhoun.

Also the report of the Joint committee on Rules, adopting the Rules of the last Session.

By leave, Mr Tuley introduced a bill relative to Special Terms of the District Court; ordered to a second reading.

By leave, Mr Craddock introduced a bill to change the county-seat of Dona Ana county to Las Cruces; ordered to a second reading.

House went into committee of the Whole. Mr Sena y Romero in the chair; and took up the bill with amendments, by special committee, respecting the Rights of Man, providing that any man may appear for himself or any other person, to bring or defend suits at law, in any of the courts of law in this Territory.

The bill was debated at length by J. E. Ortiz, C. Ortiz, Barea y Pino, F. Pino, Chavez de Rio Arriba, in favor; Messrs Tuley, Wheaton, and Gonzalez de Taos, against. Sundry amendments offered; among others, by Mr Tuley, That any woman may appear for herself or by any other woman, in any of the Courts of law etc, but none of them adopted. Pending an amendment offered by Mr Tuley, the main question was called, and the bill passed as reported by special committee, in committee of the Whole.

Committee rose and reported the bill to the House.

The bill being before the House, Mr Wheaton offered to amend it so as to exclude robbers, criminals, fools, and persons convicted of crimes from the privilege of appearing as attorneys in courts of law; after lengthened discussion and several amendments, the amendment was carried, six voting against it; and the bill passed second reading.

After many ineffectual attempts to pass a motion to adjourn, the House at half past eight o'clock, adjourned to three o'clock to-morrow afternoon.

Tuesday, Dec. 21—3 P. M.

The Journal having been read and approved, the Speaker announced, as a committee to present bills to the Governor, Messrs Claudio Ortiz and Otero.

Petitions, Memorials, etc.

Memorial from certain citizens of Taos, in relation to the occupation of land by the military, and robbing of stock by soldiers; referred to committee on the Judiciary.

Mr Tuley moved his reference to a